



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1641
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4/11
3/18/03

APPLICATION OF: Eisinger, et al.

SERIAL NO: 09/653,755 Art Unit: Unassigned
FILED: September 1, 2000 Examiner: Unassigned
FOR: A Recombinant Monoclonal Antibody to Phosphotyrosine-Containing Proteins
DOCKET NO: 724650-3

Commissioner for Patents
Washington, DC 20231

RECEIVED
FEB 14 2003
TECH CENTER 1600/2900

FILING OF SEARCH RESULTS

Sir:

Applicant has previously filed an Information Disclosure Statement for the above-referenced patent application. To facilitate searching of the Application, Applicant wishes to make certain that the Examiner has the benefit of prior searches and therefore submits, in addition to copies of the references previously submitted, the enclosed copy of the International Search Report for the corresponding PCT application.

No fee is believed due for filing this response. If any fee is due, or any additional fee is due, the Commissioner is authorized to charge any and all such fees to Deposit Account No. 03-0678.

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Serial No: 09/653,755
Filed: September 1, 2000



FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
Washington, DC 20231

Alan J. Grant 2/4/03
Alan J. Grant, Esq. Date

Respectfully submitted,

Alan J. Grant

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 724650-8	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 01/ 26926	International filing date (day/month/year) 30/08/2001	(Earliest) Priority Date (day/month/year) 01/09/2000
Applicant UPSTATE BIOTECHNOLOGY, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. Certain claims were found unsearchable (See Box I).

3. Unity of invention is lacking (see Box II).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 01/26926

A. CLASSIFICATION OF SUBJECT MATTER					
IPC 7	C12N15/63	C12N5/10	C12N15/13	A61K31/7088	C07K16/44
	G01N33/53	G01N33/574	G01N33/538		C12N15/09
According to International Patent Classification (IPC) or to both national classification and IPC					
B. FIELDS SEARCHED					
Minimum documentation searched (classification system followed by classification symbols)					
IPC 7 C07K					
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched					
Electronic data base consulted during the international search (name of data base and, where practical, search terms used)					
BIOSIS, EPO-Internal, WPI Data, CHEM ABS Data, PAJ, EMBASE					
C. DOCUMENTS CONSIDERED TO BE RELEVANT					
Category	Citation of document, with indication, where appropriate, of the relevant passages				Relevant to claim No.
X	WO 97 42501 A (BOEHRINGER INGELHEIM PHARMA) 13 November 1997 (1997-11-13) page 5, line 32				1,6,7
Y					2-5, 8-16, 27-32
Y	--- WEGENER ANNE-MARIE KARIN ET AL: "Distinct domains of the CD3-gamma chain are involved in surface expression and function of the T cell antigen receptor." JOURNAL OF BIOLOGICAL CHEMISTRY, 'Online!', vol. 270, no. 9, 1995, pages 4675-4680, XP002210428 ISSN: 0021-9258 Retrieved from the Internet: <URL: http://www.jbc.org/cgi/content/full/270/9/4675> 'retrieved on 2002-08-21' page 3 -page 4 --- --- -/-/				17-26
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C.			<input checked="" type="checkbox"/> Patent family members are listed in annex.		
° Special categories of cited documents : *A* document defining the general state of the art which is not considered to be of particular relevance *E* earlier document but published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *O* document referring to an oral disclosure, use, exhibition or other means *P* document published prior to the international filing date but later than the priority date claimed					
T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *&* document member of the same patent family					
Date of the actual completion of the international search			Date of mailing of the international search report		
21 August 2002			11/09/2002		
Name and mailing address of the ISA			Authorized officer		
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016			Wagner, R		

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 01/26926

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	SUNANDA R NARAYANAN: "PREPARATIVE AFFINITY CHROMATOGRAPHY OF PROTEINS" JOURNAL OF CHROMATOGRAPHY A, ELSEVIER SCIENCE, NL, vol. 658, no. 2, 14 January 1994 (1994-01-14), pages 237-258, XP000425927 ISSN: 0021-9673 page 250 ---	2-5,8-32
Y	KANAKURA Y ET AL: "PHORBOL 12-MYRISTATE 13-ACETATE INHIBITS GRANULOCYTE-MACROPHAGE COLONY STIMULATING FACTOR-INDUCED PROTEIN TYROSINE PHOSPHORYLATION IN A HUMAN FACTOR-DEPENDENT HEMATOPOIETIC CELL LINE" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 266, no. 1, 1991, pages 490-495, XP002210429 ISSN: 0021-9258 page 490 ---	24
A	JEAN YIN JEN WANG: "ANTIBODIES FOR PHOSPHOTYROSINE: ANALYTICAL AND PREPARATIVE TOOL FORTYTROSYL-PHOSPHORYLATED PROTEINS" ANALYTICAL BIOCHEMISTRY, vol. 172, 1988, pages 1-7, XP001022648 the whole document ---	1-32
A	MAYER A ET AL: "Exemplifying guidelines for preparation of recombinant DNA products in phase I trials in cancer: Preparation of a genetically engineered anti-CEA single chain Fv antibody." EUROPEAN JOURNAL OF CANCER, vol. 34, no. 7, June 1998 (1998-06), pages 968-976, XP004284972 ISSN: 0959-8049 page 970 ---	1-32
A	TRILL JOHN J ET AL: "Production of monoclonal antibodies in COS and CHO cells." CURRENT OPINION IN BIOTECHNOLOGY, vol. 6, no. 5, 1995, pages 553-560, XP002921621 ISSN: 0958-1669 cited in the application the whole document -----	1-32

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 9-16

-Present claims 9-16 relate to an extremely large number of possible polynucleotides. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the polynucleotides claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the polynucleotides identified by Seq. Id. Nos 1-3.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International application No.
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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: 9-16 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/US 01/26926

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9742501	A 13-11-1997	CA	2253776 A1	13-11-1997
		EP	0901628 A1	17-03-1999
		JP	2000517415 T	26-12-2000
		WO	9742501 A1	13-11-1997
		US	6071707 A	06-06-2000